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After Examiner's Answer dated April 23, 2007
Docket No. GP-304345

REMARKS

This request for continued examination under 37 C.F.R. § 1.114 is being filed to withdraw the application from appeal and to reopen prosecution of the application in accordance with MPEP § 1215.01. The instant Preliminary Amendment is Applicants' submission pursuant to 37 C.F.R. 1.114.

Entry of this Preliminary Amendment before continued examination of the instant application is respectfully requested. Upon entry of this Preliminary Amendment, claims 1-7, 9-16 and 18-20 remain in the application. Claims 8 and 17 have been canceled herein without prejudice. Reconsideration of the claims is respectfully requested.

Claims 1-8, 11-17 and 19-20 stood rejected (in the Final Office Action of March 14, 2006) under 35 U.S.C. § 103(a) as being unpatentable over McDonnell, et al. (U.S. Pub. No. 2003/0208522) in view of Fuchs, et al. (U.S. Pub. No. 2003/0139179). Regarding claims 1, 11 and 20, the Examiner stated that McDonnell discloses a method for wireless network data collection utilizing a telematics unit within a mobile vehicle communication system, a computer readable medium for operating the telematics unit, and a system for operating the telematics unit, respectively. Regarding claim 1, the Examiner stated that McDonnell's method comprises: detecting at least one wireless short-distance communication network identification signal; generating wireless network information based on the at least one detected wireless network identification signals; and communicating the generated wireless network information to a service provider.

The Examiner admitted that McDonnell fails to disclose that the at least one wireless short distance network communication signal is detected at a vehicle system module which includes software and hardware components for operating, controlling or monitoring one or more vehicle systems, and the vehicle system module coupled to a vehicle communication bus, but that Fuchs supplies this deficiency. The Examiner concluded that it would have been obvious to one having ordinary skill in the art to modify McDonnell's invention with the teachings of Fuchs to integrate the user's wireless device with a telematics system for detecting and gathering information from beacons while a user is in a vehicle, because a vehicle will allow travel across a wide area for gathering

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information in a short amount of time, thus using the same system for in-vehicle and personal communications.

Claim 1 has been amended to recite the method step of "communicating the generated wireless network information to a service provider by detecting a wireless network information **upload trigger** and initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger." (Emphasis added). Support for this recitation can be found in the specification as filed, at least at page 13, lines 11-15. Dependent claim 8 has been canceled in light of the amendment to claim 1. Independent claims 11 and 20 have also been amended in a manner similar to claim 1, while claim 17 has been canceled in light of the amendment to independent claim 11.

As provided in Applicants' specification, a telematics based system includes a mobile vehicle 210 having a telematics unit 220, where the telematics unit 220 includes a database 228 that contains programs 231, stored data 232, updated data 233, and triggers 234. (Page 11, lines 6-17 of Applicants' specification.) The programs 231 generate wireless network information (e.g., internet protocol addresses, identification tags, location information, etc.) based on a detected wireless network information signal (e.g., a short message service signal, an IEEE 802.11 standard compliant signal, or a Bluetooth compliant signal) and communicates the generated wireless network information to a service provider. This is accomplished by **detecting** a wireless network **upload trigger** and initiating a wireless network information transmission to the service provider. The wireless network upload trigger is detected by the service provider by receiving a wireless network information request and processing the wireless network information request to **identify** the wireless network information upload trigger. (Page 13, lines 11-23, and page 16, lines 5-19 of Applicants' specification.) In this method, if an upload trigger for the wireless network information **exists** (i.e., is **identified**), the database 228 will transmit the wireless network information to the service provider. As such, the upload trigger is a *filter* of the *type* of wireless network information that will ultimately be transmitted to the service provider.

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In sharp contrast, McDonnell discloses a method of gathering information from short range portals of businesses, where passers-by can obtain information about services available for a particular business. A user carrying a mobile device gathers the information when the device comes within a coverage area of a portal. As the device gathers information, it transmits the information to a service location database. (See paragraphs [0020] – [0022] of McDonnell.) An embodiment of the method also includes collecting the information received by the mobile device over a period from a number of portals and then uploading it all at once to the database system. (See paragraph [0038].) Applicants submit, however, that collecting information over a period from a number of portals and then uploading it all at once to the database system is **not** a **filter** for the **type** of information to be transmitted from the database system. Thus, uploading the information received over time, as disclosed in McDonnell, is **not** the same as an upload trigger. Applicants, therefore, submit that McDonnell fails to disclose a method that includes detecting a wireless network information upload trigger.

With respect to Fuchs, the Examiner stated that Fuchs discloses an apparatus for integrating a personal communications system with a telematics device within a vehicle to deliver information to vehicle-based subscribers. The telematics device is coupled to and integrated with the vehicle to communicate and exchange data with at least one vehicle system. The apparatus also includes a first wireless interface for communicating over a wide area network (WAN) and a second wireless interface for communicating over a wireless local area network (WLAN). The interfaces couple with a remote device (e.g., a cellular phone) and a communications node to integrate with a personal communications system. Nowhere, however, does Fuchs disclose communicating wireless information by **detecting an upload trigger** and initiating a wireless information transmission to a service provider responsive to the detected upload trigger. Therefore, Applicants submit that Fuchs fails to supply the deficiency of McDonnell.

As such, it is submitted that the invention as defined in Applicants' claims 1, 11 and 20 is not anticipated, taught, or rendered obvious by McDonnell and Fuchs, either alone or in combination, and patentably defines over the art of record. Claims 2-7, 9-10, 12-16 and

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18-19 depend ultimately from one of claims 1 and 11. It is submitted that, through this dependency, Applicants' invention as defined in these claims is not anticipated, taught, or rendered obvious by the cited art, either alone or in combination, and patentably defines over the art of record.

Claims 9 and 18 stood rejected (in the Final Office Action of March 14, 2006) under 35 U.S.C. § 103(a) as being unpatentable over McDonnell in view of Fuchs, and further in view of Lupien (U.S. Patent No. 6,006,091). The Examiner stated that McDonnell and Fuchs, in combination, fail to disclose that the upload trigger comprises receiving a wireless network information request and processing the wireless network information request to identify the wireless information upload trigger. The Examiner further stated that Lupien teaches a method for informing a network of a mobile terminal's capabilities by the mobile terminal receiving a message from the network requesting information about the mobile terminal capabilities, followed by the mobile terminal transmitting a capability report to the network. The Examiner concluded that it would have been obvious to one having ordinary skill in the art at the time of the invention for an upload trigger to comprise receiving a wireless network information request and processing the request for identifying the upload trigger as suggested by Lupien because an information request defines a time at which information contained in the mobile terminal is needed by the network.

For the reasons provided above, Applicants submit that amended claims 1 and 11 are patentable in view of the combination of McDonnell and Fuchs. Claim 9 has been amended to depend directly from amended claim 1, while claim 18 remains directly dependent from amended claim 11. It is submitted that, through this amendment, dependent claims 9 and 18 are also in condition for allowance because all elements of claims 1 and 11 are not taught by the combination of McDonnell and Fuchs.

It is further submitted that Lupien fails to supply this deficiency. Lupien discloses a method of informing a network of a plurality of operating capabilities of a mobile terminal. The method includes entering an access state at the mobile terminal, and then transmitting a message from the network to the mobile terminal requesting the mobile

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terminal to transmit information regarding the operating capabilities of the mobile terminal. Nowhere, however, does Lupien disclose communicating wireless information by **detecting an upload trigger** (i.e., a trigger that **filters the type** of information to be transmitted) and initiating a wireless information transmission to a service provider responsive to the detected upload trigger.

It is, therefore, submitted that the invention as defined in Applicants' claims 9 and 18 is not anticipated, taught, or rendered obvious by the cited art, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-7, 9-16 and 18-20 remain in the application. It is submitted that, through this Preliminary Amendment, Applicants' invention as set forth in these claims is in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.
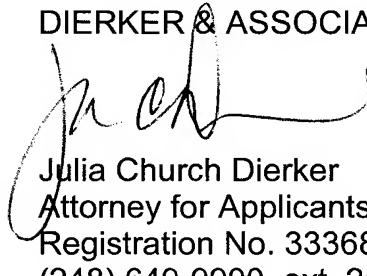
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